

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NORTHEAST CONTROLS, INC.,  
3 Enterprise Avenue  
Clifton Park  
New York, NY 12065

ST. PAUL MERCURY  
INSURANCE COMPANY  
385 Washington Street  
St. Paul, MN 55102

Plaintiffs,

v.

FISHER CONTROLS  
INTERNATIONAL, LLC.  
205 S. Center Street  
Marshalltown, Iowa 50158

Defendant.

Case No.: 06-412

**AMENDED  
NOTICE OF DEPOSITION OF  
DAVID P. POPE, Ph.D.**

To: J. Scott Shannon, Esquire  
Marshall Dennehey Warner  
Coleman & Goggin  
1220 N. Market Street  
5<sup>th</sup> Floor  
Wilmington, DE 19801

Thomas P. Wagner, Esquire  
Marshall Dennehey Warner  
Coleman & Goggin  
1845 Walnut Street  
Philadelphia, PA 19103

PLEASE TAKE NOTICE that, Defendant, by and through its attorneys of record, will take the testimony on oral examination of **David P. Pope, Ph.D.**, pursuant to Rule 30 of the Federal Rules of Civil Procedure, before an official Court Reporter, a Notary Public, or in case of his/her inability to act or be present, before some other officer authorized to administer

**AMENDED NOTICE OF DEPOSITION  
OF DAVID P. POPE, Ph.D.**

4821-2154-1121.01  
100107/1423

oaths, on , **October 16, 2007, at 9:30 a.m.** of said day at **Maron Marvel Bradley & Anderson, P.A., 1201 North Market Street, Suit 900, Wilmington, DE 19801.**

PLEASE TAKE FURTHER NOTICE that the deponent is commanded to produce the items described in Exhibit A (attached hereto) pursuant to the production schedule described in Exhibit A.

The deposition shall be continued from day to day until completed, excluding weekends and holidays. The deposition shall be recorded stenographically, and/or on audiotape.

If you have any questions or issues regarding the notice, please contact Patrick D. McVey or Daniel J. Gunter, RIDDELL WILLIAMS P.S., 1001 Fourth Avenue, Suite 4500, Seattle, WA 98154, (206) 624-3600, who will be responsible for the deposition on behalf of the Defendants.

DATED this 1st day of October, 2007.

**ATTORNEYS FOR DEFENDANT  
FISHER CONTROLS INTERNATIONAL, LLC**

**MARON MARVEL BRADLEY & ANDERSON**

By: 

Paul A. Bradley (DE Bar ID #2156)  
1201 N. Market Street, Suite 900  
P.O. Box 288  
Wilmington, DE 19899

**RIDDELL WILLIAMS P.S.**

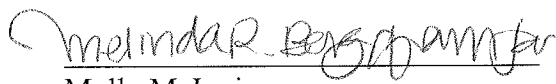
By: 

Patrick D. McVey, WSBA #8489  
Daniel J. Gunter, WSBA #27491  
1001 Fourth Avenue, Suite 4500  
Seattle, WA 98154

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on the 1st day of October, 2007, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed as follows:

Mr. Thomas P. Wagner Marshall Dennehey Warner Coleman & Goggin 1845 Walnut Street Philadelphia, PA 19103  Phone: 215.575.4562 Fax: 215.575.0856 Email: <a href="mailto:tpwagner@mdwcg.com">tpwagner@mdwcg.com</a>	( x ) ( ) ( ) ( ) ( x )	U.S. Mail Hand Delivery Facsimile Overnight Mail Email
Mr. Joseph Scott Shannon Marshall, Dennehey, Warner, Coleman & Goggin 1220 Market Street, 5th Floor Wilmington DE 19801  Phone: (302) 552-4300 Fax: (302) 651-7905 Email: <a href="mailto:lawolhar@mdwcg.com">lawolhar@mdwcg.com</a>	( x ) ( ) ( ) ( ) ( x )	U.S. Mail Hand Delivery Facsimile Overnight Mail Email

  
Molly McInnis

**EXHIBIT A**

**A. Produce 7 days in advance of deposition to:** **Mr. Patrick D. McVey**  
**Mr. Daniel J. Gunter**  
**Riddell Williams P.S.**  
**1001 Fourth Avenue, Suite 4500**  
**Seattle, WA 98154**

1. Your Curriculum Vitae;
2. Your working file in this matter;
3. Your billing statements reflecting all work done by you in preparing your expert report or in formulating your opinion in this case;
4. Each and every document reviewed by you or utilized by you in preparing your expert report or in formulating your opinion in this case;
5. Each and every tangible thing reviewed by you or utilized by you in preparing your expert report or in formulating your opinion in this case;
6. Any and all photographs, charts, drawings, videotapes, diagrams, or other graphic representations or documents prepared by you or reviewed by you which relate to plaintiff's claim or your opinion in the case;
7. Any and all textbooks, treatises, articles, studies, abstracts or other documents that support the opinions in your report;
8. Any exhibits or demonstrative aids you plan to rely on at the trial in this matter; and
9. A list of the cases in which you have testified in the last four years.